

REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 25, 2021

The regular Sikeston City Council meeting of October 25, 2021 was called to order at 5:00 p.m. at the City Hall, located at 105 East Center Street, Sikeston. Present at the meeting were: Mayor Greg Turnbow and Councilmembers Brian Self, David Teachout, Vest Baker and Onethia Williams. Councilman Ryan Merideth was absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey, HR Director Amanda Groves, Public Safety Director James McMillen, Public Works Director Jay Lancaster, Street Superintendent Brian Dial, Street Supervisor Darren Martin, Parks Director Dustin Care, Community Development Director Lorenzo Ware and DPS Captain Ryan Smith.

OATH OF OFFICE CEREMONY

City Clerk Rhonda Council conducted the oath of office ceremony to swear in citizens appointed to various City Boards and Commission.

ITEMS OF BUSINESS

Remove Appointment of Council Representative to Planning & Zoning Commission From Table

Councilman Self motioned to remove from the table the appointment of a Council representative to the Planning & Zoning Commission. The motion was seconded by Councilman Teachout and the following vote recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Appoint Council Representative to Planning & Zoning Commission

With the resignation of Councilmember Brandon Sparks, his position as Council Liaison will need to be replaced on Planning & Zoning Commission. Councilman Self motioned to nominate Councilman Baker as Council Liaison to the Planning & Zoning Commission. The motion was seconded by Councilwoman Williams. There being no further nominations, the following roll call vote was recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Appointment to SEMO University – Sikeston Campus – Advisory Council

One additional appointment was needed on the SEMO University – Sikeston Campus – Advisory Council. Staff received two Resource Bank Applications; one from Austin Curtis and the other from Tiara Riggs- Butler.

Councilman Self motioned to appoint Austin Curtis to the SEMO University – Sikeston Campus – Advisory Council. The motion was seconded by Councilman Teachout. There being no further nominations, the following roll call vote was recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Resolution 21-10-01, Surplus of Regional Bomb Vehicles and Equipment

RESOLUTION 21-10-01

A RESOLUTION OF THE CITY OF SIKESTON, MISSOURI DECLARING CERTAIN EQUIPMENT, VEHICLES AND ITEMS IN THE CITY'S INVENTORY TO BE SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL.

WHEREAS, Certain equipment, vehicles and items in the City's inventory, due to its age or state of disrepair can no longer adequately perform the day-to-day operations of the City; and

WHEREAS, In 2006, the City of Sikeston became the "Parent Agency" for the SEMO Regional Bomb Team. All vehicles and equipment acquired through the State Homeland Security Program and the Law Enforcement Terrorism Prevention Activities. Three vehicles assigned to this regional team were titled through the City of Sikeston, with the condition that we provide any costs associated with maintenance; and

WHEREAS, In 2019, Former Mayor Burch approached staff about pulling out of this regional team due to the costs vs. benefit. Staff agreed with Mr. Burch as the state has its own bomb team and we were predominately funding this extra one ourselves. Poplar Bluff and Cape Girardeau only provided manpower and none of the maintenance costs; and

WHEREAS, December of 2019, City staff began working with Cape Girardeau and Poplar Bluff to discuss transferring this team to them. This took a great deal of time and discussion during the corona virus issues, which caused further delays because of other priorities. In February of 2021, Chief Wes Blair agreed to become the "parent agency" for the SEMO Regional Bomb Team. Currently we are not involved in this program although the SEMO Bomb Team will respond if we need their services, as well as the MSPH Bomb Team; and

WHEREAS, the City of Sikeston seeks to surplus all SEMO Regional Bomb Beam equipment to the City of Cape Girardeau, MO. The removal of such items from its inventories will maximize operations.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

The items below are hereby declared surplus and the City Manager is directed to proceed with the removal of this item from City inventories by sale at public auction, sale by sealed bid, or when the item is no longer usable, by disposal.

Equipment list attached. Also included were the grant funded vehicles that were transferred to Cape Girardeau:

2006 Ford F550 (bomb truck): 1FDAW57P66EC22911 (EOD-1)

2006 Freightliner Emergency One Bomb Truck: 1FVACXDJ06HU63603 (EOD-2)

2006 Kenco Trailer with containment vessel: 1K9FA112565188130

Councilman Baker moved to approve Resolution 21-10-01 to surplus Regional Bomb Vehicles and Equipment and move these items to the City of Cape Girardeau, MO. The motion was seconded by Councilman Teachout, discussed the following roll call vote was recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

Authorization to Establish the City of Sikeston Municipal Division Bank Account

Southern Bank is now requiring Council approval of all new bank accounts. The Show-Me Courts implementation requires the city open a new municipal division bank account to be used only for Show-Me Court receipts and disbursements. Checks will require two (2) signatures. Court staff will develop procedures to ensure monthly distributions are made accurately and timely, providing a monthly reconciliation of all funds collected and disbursed.

Councilman Self motioned to establish the City of Sikeston Municipal Division bank account with Southern Bank. The motion was seconded by Councilman Williams, discussed and the following roll call vote was recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

1st Reading, Bill #6246, Court Automation Fees

Councilman Teachout motioned for the first reading of Bill #6246. The motion was seconded by Councilman Self and the following roll call vote was recorded:

Merideth Absent, Self Aye, Baker Aye, Teachout Aye, Williams Aye, and Turnbow Aye, thereby being passed.

City Counselor Thurman presented the bill for reading. This bill as approved shall become Ordinance Number 6246 and shall amend Title 1, Chapter 135 of City Code to authorize the collection of additional court costs as required by state statute.

A \$7.00 surcharge or fee assessed on cases in which pleas of guilty are processed in the Violations Bureau and this goes to the Statewide Court Automation Fund.

2nd Reading & Consideration, Bill #6244, Request to Rezone 623 E. Kathleen from R-4 Two-Family Residential to C-3 Highway Commercial

Councilman Baker moved for the second reading of Bill Number 6244. The motion was seconded by Councilman Teachout and the following vote recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye, Williams Aye, and Turnbow Aye, thereby being passed.

City Counselor Thurman presented the bill for reading.

Bill Number 6244

Ordinance Number 6244

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6244 PROVIDING FOR THE REZONING FROM "R4" TWO-FAMILY RESIDENTIAL TO "C-3" HIGHWAY COMMERCIAL

THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: ALL OF LOT 6 BLOCK 15 IN THE CHAMBER OF COMMERCE ADDITION, ALSO KNOWN AS 623 E KATHLEEN, SCOTT COUNTY, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

Section II: The Planning and Zoning Commission met on September 14, 2021 and voted to approve the rezoning from "R4" Two Family Residential to "C-3" Highway Commercial the following described real estate to-wit: "All of Lot Number 6 in Block 15 in Chamber of Commerce Addition in the City of Sikeston, Scott County, Missouri. Subject to all easements, if any, affecting the same."

SECTION III: A plat of said real estate is marked as Exhibit "A" attached hereto and incorporated by reference.

SECTION IV: The above tract of land is hereby rezoned from "R4" Two Family Residential to "C-3" Highway Commercial.

SECTION V: General Repealer Section: Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION VI: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VII: Record of Passage

- A. Bill Number 6244 was introduced and read the first time this 4th day of October, 2021.
- B. Bill Number 6244 was read the second time and discussed on this 25th day of October, 2021. Following discussion, Councilman Self moved to approve Bill Number 6244. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

- C. Ordinance 6244 shall be in full force and effect from and after November 24, 2021.

2nd Reading & Consideration, Bill #6245, Repealing Ordinance #5918-Establishing the Sheriff's Retirement Fund

Councilman Teachout moved for the second reading of Bill Number 6245. The motion was seconded by Councilwoman Williams and the following vote recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

City Counselor Thurman presented the bill for reading.

Bill Number 6245

Ordinance Number 6245

A BILL, WHICH UPON ADOPTION AND PASSAGE, SHALL BECOME ORDINANCE NUMBER 6245 AND SHALL REPEAL ORDINANCE NUMBER 5918, WHICH AUTHORIZED THE COLLECTION OF ADDITIONAL COURT COSTS AS REQUIRED BY STATE STATUTE, AND REMOVING TITLE 1, CHAPTER 135, SECTION 135.295 IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

WHEREAS, the Supreme Court of Missouri issued an opinion June 1, 2021, in Daven Fowler, et al., Appellants/Cross-Respondents, vs. Missouri Sheriffs' Retirement System, Respondent/Cross-Appellant regarding the constitutional validity of section 57.955, RSMo. The Court issued a mandate June 17, 2021, with an effective date of July 1, 2021. The order reflected discontinuation of the assessment of the Sheriffs' Retirement Fund (SRF) surcharge of \$3.00. The order applies to all circuit court and municipal ordinance divisions in the state.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Ordinance Number 5918 is hereby repealed, removing Title I, Chapter 135, Section 135.295, "Sheriff's Retirement Fund Surcharge" in the City Municipal Code.

SECTION III: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IV: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6245 was introduced and read the first time this 4th day of October, 2021.
- B. Bill Number 6245 was read the second time and discussed on this 25th day of October, 2021. Following discussion, Councilman Self moved to approve Bill Number 6245. The motion was seconded by Councilman Baker, discussed and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

- C. Ordinance 6245 shall be in full force and effect from and after November 25, 2021.

1st & 2nd Reading, Emergency Bill #6247, Annexation of Board of Municipal Utilities Property & Highway 61 Right-of-Way

Councilman Teachout moved for the first reading of Bill Number 6247. The motion was seconded by Councilman Baker and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Counselor Thurman presented the bill for reading. An emergency Ordinance of which upon approval shall become Ordinance Number 6247, providing for the proposed annexation of a certain tract of land located all of that part of the existing U.S. Highway 61 right-of-way from the south city limits of the City of Sikeston, New Madrid County, Missouri at the south line of U.S.P.S. No. 159 at Highway Station 106+09.41 southerly to the south line of U.S.P.S. No. 627 at Highway Station 155+31.11, and a tract on the east side of U. S. Highway 61 South in New Madrid County, Missouri containing 71.37 acres, more or less.

Councilman Baker moved for the second reading of Bill #6247. The motion was seconded by Councilman Teachout and the following vote recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Bill Number 6247

Ordinance Number 6247

AN EMERGENCY ORDINANCE OF WHICH UPON APPROVAL SHALL BECOME ORDINANCE NUMBER 6247 PROVIDING FOR THE A PROPOSED ANNEXATION OF A CERTAIN TRACT OF LAND LOCATED ALL OF THAT PART OF THE EXISTING U.S. HIGHWAY 61 RIGHT-OF-WAY FROM THE SOUTH CITY LIMITS OF THE CITY OF SIKESTON, NEW MADRID COUNTY, MISSOURI AT THE SOUTH LINE OF U.S.P.S. NO. 159 AT HIGHWAY STATION 106+09.41 SOUTHERLY TO THE SOUTH LINE OF U.S.P.S. NO. 627 AT HIGHWAY STATION 155+31.11, AND A TRACT ON THE EAST SIDE OF US HIGHWAY 61 SOUTH IN NEW MADRID COUNTY, MISSOURI CONTAINING 71.37 ACRES, MORE OR LESS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI, AS FOLLOWS:

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on October 12, 2021, and passed a favorable recommendation to approve the proposal to annex this tract of land in the City of Sikeston, New Madrid County, Missouri. The tract or parcel of land, which is attached hereto, is marked Exhibit "A" and incorporated by reference and legally described as follows and known as. Wastewater Treatment Plant No. 4: & US Highway 61

A tract or parcel of land being a part of U.S.P.S. 39, 45, 159, 254, 255, 368, 619, and 627 in Township 26 North, Range 14 East, New Madrid County, Missouri and being further described by metes and bounds as follows:

Commencing at the Southwest corner of U.S.P.S. 627 in the center of U.S. Highway 61 for the point of beginning; thence N 81°33'13" E along the South line thereof a distance of 50.00 feet to the East right-of-line of said U.S. Highway 61, monumented with a metal spike and number 28; thence continuing N 81°33'13" E along the South line of U.S.P.S. 627 a distance of 3,013.55 feet, monumented with an iron pipe; thence N 9°39'01" W a distance of 869.64 feet, monumented with an iron rod; thence S 80°38'59" W a distance of 3,004.69 feet to the East right-of-way line of said U.S. Highway 61, monumented with an iron rod; thence N 9°04'39" W a distance of 927.30 feet to the Southwest corner of a sanitary lift station tract; thence N 80°55'24" E a distance of 70.00 feet to the Southeast corner thereof; thence N 9°04'39" W a distance of 60.00 feet to the Northeast corner thereof; thence S 80°55'24" W a distance of 70.00 feet to the Northwest corner thereof and being on the East right-of-way line of U.S. Highway 61; thence continuing N 9°04'39" W along said right-of-way line a distance of 1,222.26 feet to Hwy Sta 125+00, 50'LT; thence N 80°55'21" E along said right-of-way line a distance of 5.00 feet to Hwy Sta 125+00, 55'RT; thence N 9°04'39"

W along said right-of-way line a distance of 937.20 feet to Hwy PT 115+62.80, 55'RT; thence along said right-of-way line on a curve to the left with radius of 22,972.98' and a chord N 9°27'09" W - 300.71' a distance of 300.72 feet to Hwy PC 112+62.80, 55'RT; thence continuing N 9°49'39" W a distance of 562.81 feet to Hwy Sta 107+00, 55'LT; thence S 80°10'21" W a distance of 5.00 feet to Hwy Sta 107+00, 50'LT; thence continuing along said right-of-way line N 9°49'39" W a distance of 250.86 feet to Hwy Sta 104+73.7, 50'LT; thence N 80°10'21" E a distance of 25.00 feet to Hwy Sta 104+73.7, 75'LT; thence N 8°26'21" W along said right-of-way line a distance of 221.77 feet, being the Southwest corner of the Three Rivers College property as described in Book 2013 on Page 2834 and monumented with a 5/8" rebar and cap stamped, "John Chittenden, PLS 2108"; thence S 80°10'21" W a distance of 160.26 feet to the West right-of-way line of said U.S. Highway 61; thence S 11°17'14" E along said right-of-way line a distance of 191.67 feet to Hwy Sta 104+43.6 BK, 75'RT, monumented with a R/W Marker; thence N 80°10'21" E a distance of 25.00 feet to Hwy Sta 104+49.6 AHD, 50'RT, monumented with a R/W Marker; thence continuing along said right-of-way line S 9°49'39" E a distance of 280.96 feet to Hwy Sta 107+00, 50'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence S 80°10'21" W a distance of 5.00 feet to Hwy Sta 107+00, 55'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence continuing S 9°49'39" E along said right-of-way line a distance of 562.81 feet to PC 112+62.80, 55'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence along a curve to the right with a radius of 22,862.98' and a chord bearing S 9°27'09" E - 299.27' a distance of 299.27 feet to PT 115+62.80, 55'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence S 9°04'39" E along said right-of-way line a distance of 937.20 feet to Hwy Sta 125+00, 55'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence N 80°55'21" E a distance of 5.00 feet to Hwy Sta 125+00, 50'RT, monumented with a 5/8" rebar and cap stamped, "Darrall Hirtz, PLS 2140"; thence continuing S 9°04'39" E along said right-of-way line a distance of 3,030.55 feet; thence N 81°33'13" E a distance of 50.00 feet to the point of beginning and containing 71.37 acres, more or less.

Subject to any and all easements, if any, affecting the same.

SECTION III: Said plat is accepted and approved subject to full compliance with all applicable building and other codes and the stormwater management plan.

SECTION IV: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION V: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure in order to enable timely action for Wastewater Treatment Plant No.4.

SECTION VII: Record of Passage

- A. Bill Number 6247 was introduced and read the first time this 25th day of October, 2021.
- B. Bill Number 6247 was read the second time and discussed on this 25th day of October, 2021. Following discussion, Councilman Baker moved to approve Bill Number 6247. The motion was seconded by Councilman Teachout, discussed and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,

Williams Aye, and Turnbow Aye, thereby being passed.

C. Ordinance 6247 shall be in full force and effect beginning on October 25, 2021.

Other Items

Citizen inquired about updated information on the American Rescue Plan Act Funds given to the City of Sikeston. City staff wants to get more information regarding how these funds can be utilized before a decision is made.

Citizen complaint regarding BMU bill and meter issues.

ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the City Council, Councilman Self moved to adjourn to Executive Session (Litigation). The motion was seconded by Councilman Teachout and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

Mayor Turnbow called the Executive Session to order. Present were: Mayor Turnbow and Councilmembers Brian Self, Onethia Williams, Vest Baker and David Teachout. Staff present were: City Manager Jonathan Douglass, City Counselor Tabatha Thurman, City Clerk Rhonda Council, Finance Director Karen Bailey HR Director Amanda Groves and Public Safety Director James McMillen.

Councilman Self motioned to approve the settlement of \$100,000 from the estate of Carolyn Burcks. The motion was seconded by Councilman Baker, discussed and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT OUT OF EXECUTIVE SESSION

Councilman Self moved to adjourn from executive session. The motion was seconded by Councilman Teachout and the following roll call vote recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

ADJOURNMENT

There being no further business before the City Council, Councilman Self moved to adjourn. The motion was seconded by Councilman Teachout and the following roll call vote was recorded:

Merideth Absent, Self Aye, Teachout Aye, Baker Aye,
Williams Aye, and Turnbow Aye, thereby being passed.

APPROVED:

GREG TURNBOW, MAYOR

ATTEST:

RHONDA COUNCIL, CITY CLERK

SEAL: